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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/665,747

09/19/2003

Arnold J. Gum

030158

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08/10/2005

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
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EXAMINER

DOAN, PHUOC HUU

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,747

Applicant(s)

GUM ET AL.

Examiner

PHUOC H. DOAN

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2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18, 20-21, 23-26, and 28-49 are rejected under 35 U.S.C. 102(e) as being anticipated by **Othmer (US Pub No: 2005/0039136)**.

As to claim 1, Othmer discloses a position determination system comprising: a wireless computer network transceiver configured to communicate with a network wireless access point (Fig. 1, col. 4, par. [0035]), the transceiver receiving data from the access point (col. 4, par. [0036]); a position determining entity to determine the position of the mobile communication device based on the data received from the access point (col. 4, par. [0039]); and a display to display data based on the determined position (col. 4 through col. 5, par. [0037-0043]).

As to claim 2, Othmer further discloses the system of claim 1 wherein the wireless computer network transceiver and the display are incorporated into a portable device and the position determining entity is located remote from the portable device (col. 4, par. [0036]).

As to claim 3, Othmer further discloses the system of claim 1 wherein the wireless computer network transceiver "Fig. 1, item 118" is configured for operation in accordance with IEEE 802.11 wireless network standards (col. 4, par. [0036]).

As to claim 4, Othmer further discloses the system of claim 1 wherein the displayed data based on the determined position is position information (col. 4, par. [0037-0039]).

As to claim 5, Othmer further discloses the system of claim 4 wherein the position information is an address (col. 8, par. [0062], advertisement for Peet's coffee location to indicated an address).

As to claim 6, Othmer further discloses the system of claim 1 wherein position data related to a position of the wireless access point is stored in a management information base as part of the wireless access point, the displayed data based on the determined position being the position data of the wireless access point (col. 8, par. [0059-0062]).

As to claim 7, Othmer further discloses the system of claim 6 wherein the position data is location data or an address of the wireless access point (col. 8, par. [0061-0063]).

As to claim 8, Othmer further discloses the system of claim 6 wherein the position data further comprises a predicted range of the wireless access point (col. 4, par. [0039]).

As to claim 9, Othmer further discloses the system of claim 1 wherein position data related to a position of the wireless access point is determined by a remote position determining entity (col. 4, par. [0036], GPS or wireless-assisted GPS provided the position determining entity server or GPS receiver devices), the displayed data based on the determined position being position data of the wireless access point as determined by the remote position determining entity (col. 4, par. [0036-0039]).

As to claim 10, Othmer further discloses the system of claim 1 wherein the displayed data based on the determined position is non position information (col. 5, par. [0041-0042]).

As to claim 11, Othmer further discloses the system of claim 10 wherein the non position information is information related to a store located proximate the determined position of the mobile communication device (col. 5, par. [0041-0042]).

As to claim 12, Othmer further discloses the system of claim 1 wherein the transceiver communicates a request to the wireless access point for non position information based on the determined position of the mobile communication device (col. 5, par. [0041-0043]).

As to claim 13, Othmer further discloses the system of claim 12 wherein the non-

position information is a merchant identification associated with the wireless access point (col. 8, par. [0061-0062]).

As to claim 14, Othmer further discloses the system of claim 1 wherein the transceiver communicates a request to the wireless access point for sales information or assistance in a store located proximate the determined position of the mobile communication device (col. 6, par. [0048-0049]).

As to claim 15, Othmer further discloses the system of claim 1, further comprising a global positioning system (GPS) receiver to receive data from a plurality of GPS satellites, the position determining entity using the data received from the GPS satellites to determine the position of the mobile communication device (col. 4, par. [0035-0036]).

As to claim 16, Othmer further discloses the system of claim 15 wherein the position determining entity generates a weighted combination of the data received from the GPS satellites and data from the wireless access point to determine the position of the mobile communication device (col. 8, par. [0062-0063]).

As to claim 17, Othmer further discloses the system of claim 1, further comprising a wireless telephone receiver to receive communication signals from a base transceiver station, the position determining entity using the communication signals from the base transceiver station to determine the position of the mobile communication device (col. 4,

par. [0036]).

As to claim 18, Othmer further discloses the system of claim 17 wherein the position determining entity generates a weighted combination of the communication signals from the base transceiver station and data from the wireless access point to determine the position of the mobile communication device (col. 4, par. [0036]).

As to claim 20, Othmer discloses position determination system comprising: a global positioning system (GPS) receiver "Fig. 1, item 101" to receive data from a plurality of GPS satellites (Fig. 1, item 114); a wireless telephone receiver to receive communication signals from a base transceiver station (col. 4, par. [0035-0036]); a wireless computer network transceiver configured to communicate with a network wireless access point (col. 4, par. [0036]), the transceiver receiving data from the access point (col. 4, par. [0036]); and a position determining entity to determine the position of the mobile communication device based on the data received from the GPS satellites (col. 4, par. [0035-0036]), if available with an acceptable error range, the communication signals from the base transceiver station (col. 4, par. [0036]), if available with an acceptable error range, and the data received from the network wireless access point (col. 3 through col. 4, par. [0031-0036]).

As to claim 21, Othmer further discloses the system of claim 20 wherein the position determining entity generates a weighted combination of at least two position data

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sources "col. 8, par. [0061-0063]" comprising data received from the GPS satellites (Fig. 1, item 114), the communication signals from the base transceiver station (Fig. 1, item 102), and the data received from the network wireless access point (col. 4, par. [0035-0036]).

As to claim 23, the claim is rejected for the same reason as set forth in claim 3.

As to claim 24, the claim is rejected for the same reason as set forth in claim 4.

As to claim 25, the claim is rejected for the same reason as set forth in claim 10.

As to claim 26, the claim is rejected for the same reason as set forth in claim 12.

As to claim 28, the claim is rejected for the same reason as set forth in claim 20.

As to claim 29, the claim is rejected for the same reason as set forth in claim 1.

As to claim 30, the claim is rejected for the same reason as set forth in claim 2.

As to claim 31, the claim is rejected for the same reason as set forth in claim 3.

As to claim 32, the claim is rejected for the same reason as set forth in claim 4.

As to claim 33, the claim is rejected for the same reason as set forth in claim 10.

As to claim 34, the claim is rejected for the same reason as set forth in claim 11.

As to claim 35, the claim is rejected for the same reason as set forth in claim 12.

As to claim 36, the claim is rejected for the same reason as set forth in claim 15.

As to claim 37, the claim is rejected for the same reason as set forth in claim 16.

As to claim 38, the claim is rejected for the same reason as set forth in claim 17.

As to claim 39, the claim is rejected for the same reason as set forth in claim 18.

As to claim 40, the claim is rejected for the same reason as set forth in claim 1.

As to claim 41, the claim is rejected for the same reason as set forth in claim 3.

As to claim 42, the claim is rejected for the same reason as set forth in claim 4.

As to claim 43, the claim is rejected for the same reason as set forth in claim 10.

As to claim 44, the claim is rejected for the same reason as set forth in claim 11.

As to claim 45, the claim is rejected for the same reason as set forth in claim 12.

As to claim 46, the claim is rejected for the same reason as set forth in claim 15.

As to claim 47, the claim is rejected for the same reason as set forth in claim 16.

As to claim 48, the claim is rejected for the same reason as set forth in claim 17.

As to claim 49, the claim is rejected for the same reason as set forth in claim 18.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **19, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer in view of **Csapo (US Pub No: 2004/0253984)**.

As to claim 19, Othmer discloses all the limitation in claim 17. However, Othmer does not disclose wherein the wireless telephone receiver is configured for code division

multiple access (CDMA) operation and the communication signals from a base transceiver station are CDMA pilot signals.

Csapo discloses wherein the wireless telephone receiver is configured for code division multiple access (CDMA) operation and the communication signals from a base transceiver station are CDMA pilot signals (col. 3, par. [0036]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide CDMA signals as taught by Csapo to the system of Othmer in order to process the CDMA signal interface with access point devices.

As to claim 27, the claim is rejected for the same reason as set forth in claim 19.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer in view of Karr (US Pub No: 2003/0222819).

As to claim 22, Othmer does not specifically disclose the system of claim 21 wherein the weighted combination of at least two position data sources is based on predicted accuracy of the position data sources.

Csapo specifically discloses wherein the weighted combination of at least two position data sources is based on predicted accuracy of the position data sources (col. 1, par. [0004]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the position data sources is based on predicted accuracy of the position as taught by Karr to the system of Othmer in order to make that accuracy of the position in case of emergency.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oommen (**US Pub No: 2005/0063409**) discloses "Method and apparatus for managing multicast delivery to mobile devices involving a plurality of different networks".

Sorvri (**US Pub No: 2004/0043758**) discloses "System and method for providing context sensitive recommendations to digital services".

Sheynblat (US Pub No: 2001/0048387) discloses "Method and apparatuses for using assistance data relating to satellite position systems".

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER G. KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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07/14/05


8/8/05
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